



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,060	11/22/2000	Hajime Nishihara	0216-0445P	2421

2292 7590 02/13/2002

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

BUTTNER, DAVID J

ART UNIT	PAPER NUMBER
1712	4

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/717,060	Applicant(s) NISHIHARA	
	Examiner BUTTNER	Art Unit 1712	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<p>Period for Reply</p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
<p>Status</p> <p>1) <input type="checkbox"/> Responsive to communication(s) filed on _____.</p> <p>2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>			
<p>Disposition of Claims</p> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-13</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-13</u> is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>			
<p>Application Papers</p> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<p>Priority under 35 U.S.C. § 119</p> <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <p>*See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>			
<p>Attachment(s)</p> <p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>2</u></p> <p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>20) <input type="checkbox"/> Other: _____</p>			

Art Unit: 1712

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

Claims 1's statement (second to last paragraph) that R¹ and R² of formula (2) is H or an aliphatic hydrocarbon, directly conflicts with earlier requirements that some of R¹ and R² be aromatic.

It is confusing/superfluous to include formula (3) as these recurring units were already required in formula (1) and (2).

It is not clear how or when "at least part of said component (B) is a compound represented by formula (1)" is invoked.

Claim 3's silicon is not a metal .

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1712

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Bostwick patent.

Bostwick adds octaphenylcyclotetrasiloxane to PC.

Claims 1, 4, 6-10 and 12 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Bialous patent.

Bialous exemplifies (III, XVI) adding a flame retardant sulfonate salt and octaphenylcyclotetrasiloxane to PC.

Claims 1-4, and 6-13 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Hamersma patent.

Hamersma exemplifies (B,C) blends of PBT, PC and aromatic silicone fluid. Glass fibers (col. 3, line 4) can also be included which qualifies as a flame retardant according to applicant (claim 8).

Claims 1-4 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Serizawa patent.

Serizawa exemplifies (C7) a blend of PC with an aromatic polysiloxane.

Claims 1-5 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Brown patent.

Art Unit: 1712

The reference adds phenyl containing polysiloxane to PC. The amount of aromaticity can vary depending on the value of X and Y.

Regarding claim 3, use of any two polysiloxanes within the scope of the reference would be prima facie obvious (see MPEP 2144.06 “combining equivalents”).

Claims 1-5 and 13 rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over the J09087504 Patent.

The reference adds phenyl containing polysiloxane to PC. The amount of aromaticity can vary depending on the value of X and Y. The polycaprolactone is a polyester.

Regarding claim 3, the use of any two polysiloxanes within the scope of the reference would be prima facie obvious (see MPEP 2144.06 “combining equivalents”).

Claims 1-4 and 13 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Sakano patent .

Sakano exemplifies (#2, 4)blends of PC, polymethylphenyl siloxane and optionally ABS.

Claims 1-4 and 6-13 rejected under 35 U.S.C. 103(a) as obvious over the Sakano [atent in view of EP728811 .

Sakano suggests conventional additives (col 3 line 17) can be included but does not name PTFE or phosphazene flame retardants..

EP 728811 shows PTFE and phosphazene are flame retardants for PC/ABS compositions. It would have been obvious to add PTFE and phosphazene to Sakano’s composition for better flame retardancy.

Art Unit: 1712

Claims 1-4 and 6-13 rejected under 35 U.S.C. 103(a) as being unpatentable over the Sakano patent in view of Mark.

Sakano suggests conventional additives (col. 3, line 17) can be included, but does not name sulfonic acid salt flame retardants.

Mark shows sulfonic acid salts function as flame retardants for PC. It would have been obvious to add a sulfonic salt flame retardant to Sakano's composition for better flame retardancy.

Note that an election of species will be necessitated if additional claims are presented directed to specific flame retardants (c) and/or additional organic polymers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is (703) 308-2403. The examiner can normally be reached on weekdays from 10 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

DButtner:evh

2/8/02

David Buttner
DAVID J. BUTTNER
PRIMARY EXAMINER